

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND)
SOUTHWEST AREAS PENSION FUND,)
and ARTHUR H. BUNTE, JR., trustee,)
)
)
)
Plaintiffs,) Case No. 11 C 1994
)
)
v.) Honorable Milton I. Shadur
) District Judge
JOBA CONSTRUCTION COMPANY, INC.,)
a Michigan corporation,)
B & J TRUCKING, INC.,)
a Michigan corporation,)
J & W LAND COMPANY, LLC,)
a Michigan limited liability company,)
)
)
Defendants.)

**PLAINTIFFS' MOTION FOR ENTRY OF CONSENT JUDGMENT
AGAINST J & W LAND COMPANY, LLC**

Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Arthur H. Bunte, Jr., as trustee, by and through their undersigned counsel, hereby move the Court to enter a consent judgment in favor of Plaintiffs and against Defendant J & W Land Company, LLC (the "J & W Land"). In support of thereof, Plaintiffs state as follows:

1. Plaintiffs filed this action to collect withdrawal liability from Defendants under the Employee Retirement Income Security Act of 1974 ("ERISA") as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1001 et seq.
2. On August 3, 2011, this Court entered a consent judgment in favor of Plaintiffs and against JOBA Construction Company, Inc. and B & J Trucking, Inc. in the amount of \$286,352.70. (Dkt. No. 30.)

3. Plaintiffs and J & W Land have agreed to the entry of a consent judgment against J & W Land and in favor of Plaintiffs.

4. In light of the foregoing, Plaintiffs request that this Court enter a consent judgment against J & W Land.

5. Prior to the filing of this motion, Plaintiffs' counsel contacted Mark Shapiro and he agreed to the granting of this motion.

6. A copy of the proposed Consent Judgment is attached hereto as Exhibit 1 for the Court's review and will also be submitted electronically to the Court's e-mail address for proposed orders.

7. Presently, pending before this Court are: (a) Plaintiffs' Motion for Entry of Turnover Order Against Alex Lyons Auctioneers (Dkt. No. 55); (b) Plaintiffs' Motion for Entry of Turnover Order Against Richard E. Segal (Dkt. No. 68) (collectively the "Turnover Motions"); and (c) Plaintiffs' Motion for Rule to Show Cause against John Wyke (the "Wyke Motion") (Dkt No. 66).

8. The Turnover Motions and the Wyke Motion are status for further status before the Court on February 13, 2013 at 8:45 a.m.

9. Pursuant to an agreement with the parties, the Plaintiffs voluntarily withdraw the Turnover Motions and the Wyke Motion without prejudice

10. Pursuant to the withdrawal of the pending motions, and the upon entry of the proposed Consent Judgment against J & W Land, there are no further pending matters before the Court.

WHEREFORE, Plaintiffs respectfully request that the Court enter the Consent Judgment attached hereto as Exhibit 1.

Respectfully submitted,

/s/ Anthony E. Napoli

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February 1, 2013

CERTIFICATE OF SERVICE

I, Anthony E. Napoli, one of the attorneys for Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Arthur H. Bunte, Jr., Trustee, certify that on the 1st day of February 2013, I caused the foregoing Plaintiffs' Motion For Entry Of Consent Judgment Against J & W Land Company, LLC to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

/s/ Anthony E. Napoli

Anthony E. Napoli
One of Central States' Attorneys